IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 892 OF 2004

IN

SUM. SUIT NO. 2004 OF 2004

M/s. Plastika Enterprises .. Plaintiff.

vs.

M/s. GMS Technologies Ltd., .. Defendant.

Mr. S.P. Kanuga for plaintiff.

Mr. Prakash Monappa Mulky i/by Gopal Poojary & Co. for defendant.

CORAM : S.U. KAMDAR, J.

DATE : 4th October, 2005.

P.C.:

. The present suit is filed for recovery of a sum of Rs. 75,83,944.56 with further interest at the rate of 24% on Rs. 53,33,751.05. The claim arises in out of the goods sold and delivered. In respect of each of the said delivery there are delivery challans. The learned counsel for the defendant has contended that the plaintiff firm is not registered and thus the suit is not maintainable. The plaintiff has produced

registration certificate showing that the firm is duly registered. In that view of the matter the first contention has no merit. The second contention raised is that as against the claim of Rs. 75 lacs and odd the defendant has raised debit note of Rs. 45 lacs. However, he has failed to produce any document in support thereof saying that the documents are lost. Thus, there are no documents on record to support the aforesaid defence and therefore the aforesaid defence ha no merit. Thus, I am of the opinion that the defendant has no defence at all. In that view of the matter, there shall be a decree in favour of the plaintiff and against the defendant with further interest at the rate of 12% from the date of the suit till payment and/or realisation. Summons for judgment is made absolute. Suit is decreed as above. No order as to costs.